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## COUNTY OF LOS ANGELES DEPARTMENT OF CONSUMER AFFAIRS

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B-96 KENNETH HAHN HALL OF ADMINISTRATION  
500 W. TEMPLE STREET / LOS ANGELES, CALIFORNIA 90012-2706 / (213) 974-1452  
<http://consumer-affairs.co.la.ca.us>

November 16, 2004

### MEMBERS OF THE BOARD

GLORIA MOLINA  
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MICHAEL D. ANTONOVICH

PASTOR HERRERA, JR.  
DIRECTOR

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**Request for Term Extension and Updating of a Cable Television Franchise in the Unincorporated Area of Kagel Canyon Granted to Comcast of California VII, Inc., a Washington Profit Corporation.**

**(5<sup>th</sup> District) (3 VOTES)**

### **IT IS RECOMMENDED THAT YOUR BOARD**

1. Approve an ordinance to amend the cable television franchise Ordinance No. 89-0161F, as amended, granting a franchise in the unincorporated area of Kagel Canyon held by Comcast of California VII, Inc., to extend the term through September 30, 2006, and reflect franchisee name change.
2. Introduce, waive reading and place on your Board's Agenda for adoption the attached ordinance that implements the above recommendation.
3. Find that this extension is categorically exempt under the California Environmental Quality Act (CEQA) pursuant to Class 1 of the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987, and Section 15301 of the State CEQA Guidelines.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

Comcast of California VII, Inc. has a cable television franchise with the County that expires on January 18, 2005. Extension of the current franchise term through September 30, 2006, allows the County sufficient time to amend Title 16, Division 4 of the County Code (Cable Television System Franchises) and negotiate the renewal of this franchise. This ordinance also amends the name of the franchise holder to reflect

the name change from King Videocable Company, to Comcast of California VII, Inc. , clarifies that references to the term "Director" are to the Director of the Department of Consumer Affairs, and eliminates self-imposed franchise fee distribution requirements.

#### Implementation of Strategic Plan Goals

Approval of this recommendation will assist in implementing the Countywide Strategic Plan goal of fiscal responsibility. This will ensure the continuation of revenue provided to the County by statute.

#### FISCAL IMPACT/FINANCING

There will be no fiscal impact or cost to the County. This cable television franchise generates revenue to the County. Section 622 (b) of the Cable Act of 1984 (47 U.S.C. §542 (b)) gives a local franchising authority, such as the County, the right to collect franchise fees of no more than five percent (5%) of total gross revenues collected by a cable television operator over a 12-month period. The extension of this cable television franchise will allow continued collection of these franchise fees.

#### FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Comcast has requested an acknowledgement by the County that nothing in this Franchise Extension is intended to affect any rights that the Franchisee or the County may have under 47 U.S.C. § 546, regarding renewal of the franchise, or any other rights either party may have under the terms and conditions of the Franchise, as amended, or applicable law. Consumer Affairs has agreed to provide a letter to Comcast specifying this acknowledgement after the adoption of this amending ordinance.

The Office of the County Counsel has reviewed the attached ordinance and approved it as to form.

#### ENVIRONMENTAL DOCUMENTATION

The term extension of this cable television franchise is categorically exempt under CEQA pursuant to Class 1 of the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987, and Section 15301 of the State CEQA Guidelines.

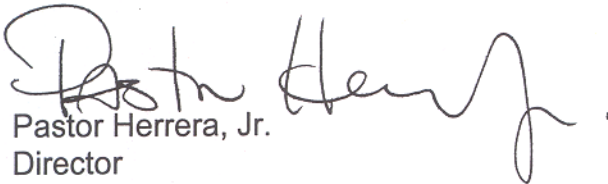
**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

There will be no impact on current services.

**CONCLUSION**

It is requested that the Executive Office-Clerk of the Board notify Mr. Perry C. Parks, III, Vice President, Government Affairs, Comcast Cable Communications, Inc., 550 North Continental Blvd., Suite 250, El Segundo, CA 90245, the Chief Administrative Officer, the Auditor-Controller, County Counsel, the Department of Public Works, and the Department of Consumer Affairs of the Board's action in this matter.

Respectfully submitted,



Pastor Herrera, Jr.  
Director

PHJ:FT:DS

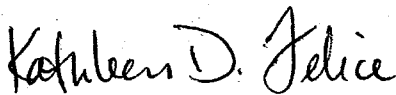
Attachment (1)

c: Mr. Perry C. Parks, III, Comcast Cable Communications, Inc.  
Executive Officer, Board of Supervisors  
Chief Administrative Officer  
Auditor-Controller  
County Counsel  
Department of Public Works

## ANALYSIS

This ordinance extends through September 30, 2006, a franchise to operate a cable television system in the unincorporated area of Kagel Canyon, granted by Ordinance No. 89-0161F, as amended. This ordinance also reflects a change in the name of the Franchisee to Comcast of California VII, Inc., a Washington Profit Corporation, clarifies that references to the term "Director" are to the Director of the Department of Consumer Affairs, and eliminates self-imposed franchise fee distribution requirements.

## OFFICE OF THE COUNTY COUNSEL

By   
KATHLEEN D. FELICE  
Senior Deputy County Counsel  
Public Works Division

KDF:ia

10/29/04 (requested)

11/01/04 (revised)

ORDINANCE NO \_\_\_\_\_

An ordinance relating to a franchise to operate a cable television system in the unincorporated areas of Kagel Canyon.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1.** Section 1 of Ordinance No. 89-0161F, as amended, is hereby amended to read as follows:

**Section 1.** Pursuant to Section 53066 of the Government Code of the State of California, the right, privilege, and franchise is granted to ~~King Videocable Company~~ Comcast of California VII, Inc., a Washington Profit Corporation (~~hereinafter referred to as "Franchisee"~~), through September 30, 2006, to construct, ~~from time to time~~ reconstruct, ~~for the period of fifteen (15) years from the effective date of this ordinance~~ reconstruct, ~~to maintain,~~ and to operate a Cable Television System (~~hereinafter called "System"~~) in the unincorporated ~~territory~~ Service Area of the County of Los Angeles, described in Section 2 below, and to construct, reconstruct, maintain, operate, renew, repair, and remove in ~~the~~ this Service Area ~~described in Section 2 below~~, radio and television signal transmission lines and cables and all appurtenances and/or service connections (hereinafter jointly referred to as "Facilities") which are necessary or convenient for the provision of a System. ~~said~~ This grant ~~being~~ is subject to the faithful performance and observance by Franchisee of all the terms and conditions herein.

**SECTION 2.** Section 3.B of Ordinance No. 89-0161F, as amended, is hereby amended to read as follows:

B. Franchisee shall make the quarterly payments required herein, payable in advance on the first day of each quarter, beginning with the first payment as required in subparagraph 3.A.1), for the remaining life of the franchise. In addition, Franchisee shall make the annual percentage payment concurrently with the filing of the reports required by Section 16.60.180 of the County Code, which shall be filed within sixty (60) days after the expiration of each franchise payment period during the life of the franchise.

~~Said franchise fee payments shall be distributed by County as follows:~~

- ~~1). Three percent (3%) of the gross revenues to County;~~
- ~~2). Two percent (2%) of the gross revenues shall be placed in an interest bearing trust fund account as provided by the Auditor-Controller of County.~~

**SECTION 3.** Section 3.D of Ordinance No. 89-0161F, as amended, is hereby amended to read as follows:

Section 3.D. Franchisee and the Director of Facilities Management the Department of Consumer Affairs, or his authorized representative, (hereinafter referred to as "Director,";) may mutually agree in writing to modify the method of quarterly payments to offset the annual franchise fee payment. Any such modification shall consider the annual franchise period as being based on a calendar year.

[ComcastExt2KDFCOC]